

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF WASHINGTON, §
and M7D CORPORATION, §

Plaintiffs, §

v. §

FENIX DIAMONDS LLC, §

Defendant. §

Civil Action No. 1:20-cv-0200 (JSR)

REDACTED DOCUMENT

**DECLARATION OF MAISHA WILLIAMS IN SUPPORT OF
PLAINTIFF CARNEGIE INSTITUTION OF WASHINGTON’S MOTION TO STAY
THE AMENDED JUDGMENT PENDING APPEAL AND WAIVER OF THE
SUPERSEDEAS BOND**

I, MAISHA WILLIAMS, hereby declare as follows:

I am Chief Operating Officer of Carnegie Institution of Washington (“Carnegie Science”). I make this declaration in support of Carnegie Institution of Washington’s Motion to Stay the Amended Judgment Pending Appeal and Waiver of the Supersedeas Bond.

1. Carnegie Science (also known as the Carnegie Institution for Science) is a renowned non-profit institution, founded in 1902, that is dedicated solely to basic scientific research.
2. Carnegie Science’s primary source of support for its activities is its endowment.
3. Carnegie Science periodically publishes financial statements related to its endowment online at <https://carnegiescience.edu>.
4. Carnegie Science’s most recently published, audited financials are for its fiscal years 2022 and 2023, which ended June 30, 2022 and June 30, 2023, respectively.
5. Attached hereto as **Exhibit 1** is a true and correct copy of Carnegie Science’s

Fiscal Year 2023 Audited Financials, which includes Fiscal Year 2022 Audited Financials and is available online at <https://carnegiescience.edu/about/financial>.

6. As described in the 2023 Audited Financials, at the conclusion of its 2022 fiscal year on June 30, 2022, Carnegie Science had assets valued at over \$1 billion, including over \$27 million in cash on hand. This statement was audited by KPMG.

7. As described in the 2023 Audited Financials, at the conclusion of its 2023 fiscal year on June 30, 2023, Carnegie Science had assets valued at over \$1.3 billion, including over \$48 million in cash on hand. This statement was audited by KPMG.

8. As of March 31, 2024 Carnegie Science's assets remain valued at over \$1.2 billion, including [REDACTED] in cash.

9. Carnegie Science, which has maintained its endowment for over a century, utilizes a long-term policy of controlling its spending rate.

10. As part of its prudent investment strategy, Carnegie Science's endowment is allocated among a broad spectrum of asset classes, including global equities, absolute return investments, real estate partnerships, private equity, venture capital, natural resources partnerships, and government bond. A large portion of Carnegie Science's endowment is maintained in the form of readily marketable securities.

11. I understand the court has issued an amended judgment against Carnegie Science and ordered it to pay \$3,240,669.66 plus post-judgment interest beginning from April 19, 2024. I understand that Carnegie Science is appealing that amended judgment. I understand that the median time for disposition of such an appeal is less than eighteen (18) months but could take more or less time. I was asked to assume that the amended judgment plus post-judgment interest would be around \$3.6 million in two years. Regardless of whether the

amended judgment were required to be paid in eighteen months, two years, or any time before or after, Carnegie Science would have more than sufficient, unrestricted cash and cash equivalents from which to promptly satisfy the judgment.

12. I understand that Carnegie Science has received electronic bank transfer account details from Fenix Diamonds, LLC (“Fenix”). If Carnegie Science were to receive confirmation from its counsel that the appellate proceedings had completed and the judgment had become final following appellate review, Carnegie Science would merely need to confirm the final amount owed to Fenix (i.e., with respect to the calculation of post-judgment interest) and then it would initiate the internal process to have that total amount of the judgment and post-judgment interest wired to Fenix using the account details provided.

13. After the judgment was issued, at the request of counsel, my colleague, Michele Ware, requested that [REDACTED] open a new account for Carnegie Science. That [REDACTED] is now open and active.

14. \$3,600,000 has been transferred into [REDACTED].

15. Carnegie Science will maintain [REDACTED] only for the potential satisfaction of the judgment in this case. The money will not be used or appropriated for any other purpose until (i) the judgment is paid, (ii) appeal of the judgment is successful, or (iii) there is mutual agreement with Fenix about the disposition of some or all of the funds. Carnegie Science can also add funds to the account should any additional post-judgment interest accrue during the pendency of the appeal.

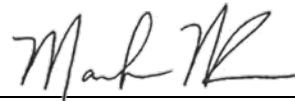
16. If the appeal of the judgment is unsuccessful and the court’s amended judgment becomes final and unappealable, Carnegie Science can remit payment from [REDACTED] [REDACTED] to Fenix Diamonds LLC using the account information it has provided. I

estimate that it would take approximately seven business days for us to remit payment to the account that has been identified by Fenix Diamonds LLC.

17. Thus, should the amended judgment become final following appellate review, Carnegie Science would pay Fenix the full amount of the \$3,240,669.66 award, plus post-judgment interest, within seven business days after the appellate proceedings are concluded.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge.

DATED: May 20, 2024

A handwritten signature in black ink, appearing to read 'Maisha Williams', is written over a horizontal line.

MAISHA WILLIAMS